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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,435	02/08/2002	Jason C. Shermer	0275S-000563	2587

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EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 04/23/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

10/072,435

Applicant(s)

SHERMER ET AL.

Examiner

Jane J Rhee

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-- The MAILING DATE of this communication appears n the cover sheet with the corresp ndence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. The term "adapted" in claim 1-3 and 6 is a relative term which renders the claim indefinite. The term "adapted" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,9-12,16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin et al. (5879227).

Martin et al. discloses a sheet material having first segments defining regions of weakened material wherein the sheet material is adapted to be separated along the first segments (figure 2 number 24) to change a configuration of the body portion sheet material to correspond with a second different configured patent. Martin et al. discloses that the first configuration of the sheet material is iron shaped (figure 2). Martin et al. discloses attachments means for attaching one face of the sheet material to a patent (col. 2 lines 25-28). Martin et al. discloses that the attachment means includes

hook and loop fastening systems (col. 2 lines 25-28). Martin et al. discloses an abrasive material disposed on a second face of the sheet material (figure 2 number 22). Martin et al. discloses that the weakened material include perforations (figure 2 number 24). Martin et al. discloses a sheet material being provided with a first configuration adapted to be used with a first patent configuration and having first marking segments (figure 2 number 24) wherein the sheet material is adapted to be separated along the first marking segments (figure 2 number 24) to change a configuration of the body portion sheet material to correspond with a second differently configured patent.

3. Claims 1,2, 15,17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Wiand. (5681362).

Wiand discloses a sheet material having first segments (figure 13a number 432 vertical perforation) defining regions of weakened material wherein the sheet material is adapted to be separated along the first segments to change a configuration of the body portion sheet material to correspond with a second different configured patent. Wiand discloses second segments defining region of weakened material, wherein the sheet material is adapted to be separated along the second segments (figure 13a number 432 horizontal perforation) to change a configuration of the body portion to correspond with a third different configured patent. Wiand discloses a sheet material having first marking segments wherein the sheet material is adapted to be separated along the first marking segments (figure 13a number 432 vertical perforation) to change a configuration of the body portion sheet material to correspond with a second differently

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configured patent. Wiand discloses second marking segments (figure 13a number 432 horizontal perforation) wherein the sheet material is adapted to be separated along the second marking segments to change the configuration of the body portion to correspond with a third differently configured patent. Wiand teaches that the regions of weakened material include a score line drawn on the sheet material (col. 8 line 27-28).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,3-6 17,19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable by Longstaff et al. (Des 389388) in view of Martin et al. (5879227).

Longstaff et al. discloses a sheet material having first segments drawn on the sheet (figure 1). Longstaff et al. discloses that the sheet material includes a body portion and a tip portion and a replacement tip portion, the body portion and tip portions having varying configurations defined by second and third segments drawn on the sheet (figure 1). Longstaff et al. fail to disclose that the first segment defines regions of weakened material wherein the sheet material is adapted to be separated along the first segments to change a configuration of the body portion sheet material to correspond with a second different configured patent. Longstaff et al. fail to disclose that the

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second and third segments define regions of weakened material, wherein the sheet material is adapted to be separated along the second segments to separate a first tip portion, having a first tip configuration, from a first body portion having a first body configuration and the sheet material is adapted to be selectively separated along the third segments to separate a second tip portion, having a second tip configuration different from the first configuration from a second body portion having a second body configuration different from the first body configuration. Longstaff et al. fail to disclose that the first and second tip configurations have different sizes. Longstaff et al. fail to disclose that the first and second tip configurations have different shapes.

Martin teaches regions of weakened material wherein the sheet is adapted to separate a first tip portion having a first tip configuration from a first body portion having a first body configuration for the purpose of providing a new unworn point (col. 3 line 4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Longstaff et al. with the first segment that defines regions of weakened material wherein the sheet material is adapted to be separated along the first segments to change a configuration of the body portion sheet material to correspond with a second different configured platen and with the second and third segments that define regions of weakened material, wherein the sheet material is adapted to be separated along the second segments to separate a first tip portion, having a first tip configuration, from a first body portion having a first body configuration and the sheet material is adapted to be selectively separated along the third segments to separate a second tip portion, having a second tip configuration

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different from the first configuration from a second body portion having a second body configuration different from the first body configuration for the purpose of providing a new unworn point (col. 3 line 4).

Furthermore, it would be obvious to one skilled in the art at the time applicant's invention was made to provide Longstaff et al. with the first and second tip configurations to have different sizes and different shapes since Martin et al. teaches weakened regions to separate the tip from the body, the weakened regions in Longstaff's sheet would therefore create the first and second tip configurations to have different sizes and shapes.

4. Claims 7-8,13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiand in view of Martin et al.

Wiand teaches the abrasive sheet described above. Wiand fail to disclose that the sheet material includes a body portion and a tip portion separated by a second segment defining regions of weakened material wherein the tip portion can be separated from the body portion, turned through an angle and repositioned adjacent the body portion to change a working point of the tip portion. Wiand fail to disclose that the tip portion has at least one side, which is in position adjacent to the body portion and that the body portion is produced in an iron shaped sheet. Wiand fail to disclose that the body portion and the tip portion is separated by a second segment of weakened material wherein the tip portion can be separated from the body portion and the tip portion has four sides or three sides. Martin et al. teaches that the sheet material

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includes a body portion and a tip portion separated by a second segment defining regions of weakened material wherein the tip portion can be separated from the body portion, turned through an angle and repositioned adjacent the body portion to change a working point of the tip portion (col. 3 lines 1-4) and that the tip portion has four sides (figure 2 number 26) for the purpose of providing a new unworn point (col. 3 line 4).

Martin et al. teaches that the tip portion has at least one side, which is in position adjacent to the body portion and that the body portion is produced in an iron shaped sheet for the purpose of providing accesses to corners (col. 1 lines 30-33).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Wiand with the sheet material that includes a body portion and a tip portion separated by a second segment defining regions of weakened material wherein the tip portion can be separated from the body portion, turned through an angle and repositioned adjacent the body portion to change a working point of the tip portion and that the tip portion has four sides in order to provide a new unworn point (col. 3 line 4) as taught by Martin et al.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Wiand with the tip portion that has at least one side, which is in position adjacent to the body portion and that the body portion is produced in an iron shaped sheet in order to provide accesses to corners (col. 1 lines 30-33) as taught by Martin et al.

### ***Conclusion***




Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Jane Rhee  
April 10, 2003



HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

4/17/03